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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,993	12/11/2003	Kathryn M. Spurgeon	58980US002	8280
32692 7590 06/18/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER VARGOT, MATHIEU D	
			ART UNIT 1732	PAPER NUMBER
			NOTIFICATION DATE 06/18/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/732,993	Applicant(s) SPURGEON ET AL.	
	Examiner Mathieu D. Vargot	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT.Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/07</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant needs to update page 1 of the specification by filling in the missing serial numbers.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 8, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Karszes (see Fig. 1) essentially for reason of record.

Note that the applied reference maintains the materials separately until they are combined and sent through a die (128) through die opening (124). While they are placed in contact with one another in a "black box" (122), it is not seen how this is any different from that instantly claimed. Basically, the black box functions as part of the extrusion die, and applicant also has a die which is described as a "coextrusion die". Clearly, the materials of the applied reference are formed as films and these films are brought proximate each other and extruded together through a die. When they are brought into contact with each other, they are molten. Applicant does the same thing—see the instant specification, paragraph bridging pages 5 and 6 of the instant specification. The fact that the reference uses three layers would not obviate the rejection.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 8, 9 and 10-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karszes for reasons of record.

Note that claims 1, 4, 8, 10 and 12 have been additionally rejected under 103 over the applied reference, primarily because applicant insists that there is a difference between instant claim 1 and that taught in Karszes. In all honesty, such a difference cannot be determined at this point and applicant's comments shed no light on why the claims are novel over Karszes. Comments made in paragraph 2, *supra* are hereby repeated concerning the extrusion of Karszes and that of the instant. However, if there is any difference between the two, then it is submitted to be an obvious difference. Certainly, the black box 122 which combines the flows acts as part of the extruder die. It would have been obvious to have utilized a conventional coextrusion die as shown in the instant application in lieu of the black box and die of Karszes dependent on stability of flow desired through the die. The resin streams are merely combined in the black box and brought proximate to each other, as set forth in the instant claims.

4. Claims 2, 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karszes in view of Fitzpatrick for reasons of record.

5. Applicant's arguments filed February 12, 2007 have been fully considered but they are not persuasive. Applicant has amended the claims in an attempt to define over Karszes. However, it is submitted that the applied reference nevertheless anticipates that claimed with regards to independent claim 1 and the dependent claims so rejected. It is not clear how the black box taught in Karszes would obviate the 102 rejection. In

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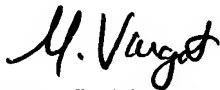
truth, the applied reference is disclosing a method which applicant cannot appear to distinguish over with semantics concerning the extrusion. If claim 1 is not anticipated by Karszes, then certainly it is obvious thereover.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
June 7, 2007


Mathieu D. Vargot
Primary Examiner
Art Unit 1732

6/7/07